

Serial No.: 10/036,628

REMARKS

A. Claim Objections

Claims 27 was objected to since, in line 4, the word "with" should have read "the." The claim has been amended in the manner suggested by the Examiner. In view of the amendment, entry of which is considered proper, reconsideration and withdrawal of the claim objection is respectfully requested.

B. Claim Rejections - 35 U.S.C. § 102

Claims 21-28 have been rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,570,855 to Kung.

The invention is patentably distinct from Kung at least because of a claimed forwarding processing for a call connection request and subsequent processing of the call connection request by the receiving (delegate) VoIP proxy server.

In the claimed invention, a primary VoIP proxy server receives a call connection request from a VoIP client (step "a") and services the client if the primary server has a workload below a predefined threshold (step "b)"). But, if the threshold is exceeded, the call connection requested is forwarded to a delegate VoIP proxy server that is selected based on shared workload data (steps "b(i)" and "b(ii)").

When the delegate VoIP proxy server receives the forwarded call connection request, the delegate server stands in the place of the primary proxy server and repeats the processing of step "b)" and, if needed, steps "b(i)" and "b(ii)."

As will be appreciated, the primary VoIP proxy server forwards the call connection request at its own initiation to a delegate server, whose selection is based on workload data shared among the VoIP proxy servers. No transfer request and transfer acceptance protocol is used.

As will be further appreciated, the delegate VoIP proxy server determines if the delegate VoIP proxy server has a workload exceeding a predefined threshold after it receives the forwarded call connection request. Thus, the determination of whether the delegate VoIP proxy server has the capacity to handle the call is made upon receipt of

Serial No.: 10/036,628

the forwarded call connection request. Prior to receipt of the forwarded call connection request, the delegate does not communicate to the primary VoIP proxy server as to whether the delegate will accept servicing of the call connection request. Rather, upon receipt of the forwarded call connection request, the delegate VoIP proxy server determines if it cannot handle the call connection request due to a high workload and, if not, the delegate selects another delegate based on shared workload data and re-forwards the call connection request.

Turning to Kung, Kung does not teach or reasonably suggest the specifically claimed VoIP system workload balancing method. Rather, Kung discloses a different technique for ameliorating high workload situations.

It is acknowledged that Kung's primary call manager transfers a pending call to an alternative call manager if the primary call manager's workload exceeds a certain threshold (column 30, line 49 to column 31, line 22). But the transfer process differs from the claimed transfer process.

In Kung, the transfer logic of the primary call manager is configured to send a transfer request to the alternative call manager and wait for an acceptance of the transfer request from the alternative call manager before transferring the pending call (column 31, lines 22-30). As indicated, the claimed invention does not use transfer requests and/or transfer request acceptances.

It may be further concluded that Kung does not teach or suggest the "daisy chain" approach to forwarding a call connection request recited in step "c)" of claim 21. In Kung, if the primary call manager does not receive a transfer request acceptance, the primary call manager retains responsibility for the call (e.g., it is likely that Kung's primary call manager is configured to send another transfer request to another alternative call manager to dispose of the call). Also, it is reasonable to conclude that the alternative call manager determines if it can handle the call before responding to the transfer request with a transfer acceptance and not after receiving the forwarded VoIP client's call connection request, as claimed.

Serial No.: 10/036,628

For at least these reasons, independent claim 21 and dependent claims 22-28 recite patentable subject matter. In addition, the dependent claims recite additional novel and unobvious aspects of the present invention.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) is respectfully requested.

C. Conclusion

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned representative to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0988, our Order No. INMEP0105US.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By


M. David Galin; Reg. No. 41,767

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
Telephone: (216) 621-1113
Facsimile: (216) 621-6165

R:\DGalin\INMEP0105us\INMEP0105US.R02.wpd